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June 12, 2023

## VIA ECF

Hon. Denise L. Cote, U.S.D.J.  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

*Handwritten:*  
Cram Seal.  
Denise Cote  
June 12, 2023

Re: *S.E.C. v. Rosenberger, et al.*, Case No. 22-cv-4736-DLC

Dear Judge Cote:

We write on behalf of Karen Rosenberger, with the consent of Joanna Lanni and the SEC, to request permission for the SEC to take the deposition of Ms. Rosenberger's expert, Eric Hines, on June 27, 2023, two business days following the close of expert discovery, to accommodate the schedules of Mr. Hines and counsel.

Defendants' rebuttal expert reports were served on May 23, 2023, and the deadline to complete expert discovery is June 23, 2023. ECF 45. The parties have scheduled the depositions of the SEC's and Ms. Lanni's experts to take place on or before June 23, 2023.

However, the parties were unable to identify a date within the expert discovery window for Mr. Hines's deposition. Counsel for both the SEC and Ms. Rosenberger had conflicts the week of June 5, 2023, and Mr. Hines is testifying at a trial in Montana that is scheduled for the weeks of June 12, 2023 (this week) and June 19, 2023 (next week). The exact date that he will be called to testify in that trial is still uncertain. He is therefore unable to sit for his deposition, or be prepared by counsel for his deposition, during those two weeks. To accommodate the witness and permit the witness and counsel sufficient time to prepare for the deposition, all parties have agreed for the SEC to take Mr. Hines's deposition on June 27, 2023.

The SEC consents to this request. The request will not change any deadlines in the Pretrial Scheduling Order (ECF 45).

We appreciate Your Honor's attention to this request and are available at Your Honor's convenience should the Court wish to discuss this request.

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Respectfully submitted,

/s/ Jenny Kramer

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